

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**PAMELA B. WILSON and
CURTIS WILSON,**

Plaintiffs,

V.

SCOTT HEATH RICE,

Defendant.

CASE NO.:

2:07-CV-00243-WHA-CSC

PRE-TRIAL ORDER

1. Parties and Counsel:

Appearing for Plaintiffs:

J. Doyle Fuller
Jacob Fuller

Appearing for Defendant:

Michael L. White
J. Bradley Ponder

2. Nature of the Case:

This case involves a two-vehicle automobile accident that occurred on June 23, 2005, at the intersection of Monticello Drive and Shirley Lane in Montgomery, Alabama. The Defendant, Scott Rice, was traveling on Monticello Drive, pulling a U-Haul trailer. A vehicle ahead of Mr. Rice stopped suddenly in traffic, and Mr. Rice attempted to avoid that vehicle by moving to the next lane to his right, subsequently colliding with the rear of Plaintiff Pamela Wilson's vehicle. Plaintiff Curtis Wilson claims loss of consortium.

The Plaintiff's two-count Complaint alleges:

Count One: Negligence by Scott Heath Rice, including loss of consortium claim by Curtis Wilson.

Count Two: Wantonness and Recklessness by Scott Heath Rice, including loss of consortium claim by Curtis Wilson.

3. Parties Contentions:

Plaintiffs' Contentions: The Plaintiff contends that the Defendant negligently operated his vehicle by speeding into a busy intersection where traffic was stopped. As a result of said negligence, the Defendant rear-ended the Plaintiff's vehicle, causing injury. The Plaintiff also contends that she was simply stopped in traffic and therefore could not be a contributing factor to this collision. The Plaintiff also contends that the Defendant, by driving his truck at such a rate of speed, with a boat trailer in tow into a busy, stopped intersection, amounts to wanton and reckless conduct.

Defendant's Contentions: The Defendant contends the accident was unavoidable, was caused by a superceding/intervening occurrence, and/or was the result of a sudden emergency. The Defendant further disputes the extent of the Plaintiff's injuries, and contends the accident did not actually or proximately cause the Plaintiffs' claimed injuries and/or damages.

4. Stipulations and Admissions:

- a. The parties are properly named; the date and location of the accident.

It is ORDERED that:

1. The jury selection and trial of this cause, which is to last 1.5 days, are set for March 24, 2008 at 10:00 a.m. at the United States Courthouse in Montgomery, Alabama;
2. A trial docket will be mailed to counsel for each party approximately four weeks prior to the start of the trial term;
3. Each party shall have available at the time of trial, for use by the court (the judge, the courtroom deputy clerk, and the law clerk), three copies of the exhibit list and a sufficient number of copies of each photostatically reproducible exhibit for opposing counsel, the courtroom deputy clerk, the law clerk, and the judge to each have a set of the exhibits;
4. **IF REQUIRED:** Trial briefs are required to be filed by March 10, 2008.

IF NOT REQUIRED: The parties in this case are not required to file trial briefs. However, if they wish to do so, their trial briefs shall be filed no later than N/A .

5. All deadlines not otherwise affected by this order will remain as set forth in the Uniform Scheduling Order (Doc. #21) entered by the court on November 15, 2007;

6. All understandings, agreements, deadlines, and stipulations contained in this Pretrial Order shall be binding on all parties unless this Order be hereafter modified by Order of the court.

DONE this 21st day of February, 2008.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON

SENIOR UNITED STATES DISTRICT JUDGE